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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,043	11/04/2003	Derek Campbell	005127.00179	3120
22909 7590 02/07/2008 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER MAI, TRI M	
			ART UNIT 3781	PAPER NUMBER
			MAIL DATE 02/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/700,043

Applicant(s)

CAMPBELL ET AL.

Examiner

Tri M. Mai

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-38 and 40-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-38, 40-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

1. Claims 56-60, and 68-76 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention as previously set forth. Applicants elects without traverse.

2. Claims 1, 4-11, 15-16, 20-28, 33, 34, and 36 are rejected under 35 U.S.C. 102 (e) as being anticipated by Cheng (6938762). Cheng '762 teaches a golf bag having a base including a one-piece element that extend around the second of the body and forms a support surface and defining a flexion line defining two pivotable portions.

Note the inner shaft coupled the upper and lower portions and the lower part of the shaft is curved (rounded).

Regarding claim 7, there is a reduced thickness at the joint.

3. Claims 1, 6, 8-11, 15, 16, 18, 20-25, 33, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng (6386362). Cheng '362 teaches a golf bag having a base including a one-piece element that extend around the second of the body and forms a support surface and defining a flexion line defining two pivotable portions.

4. Claims 1, 4, 5, 6, 7, 8-11, 15-16, 18, 20-28, 33, 34, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Te-Pin (6568527). Te-Pin teaches a golf bag having a base including a one-piece element that extend around the second of the body and forms a support surface and defining a flexion line defining two pivotable portions.

5. Claims 1, 4, 7, 8-11, 15-16, 18, 20-24, 25-27, 33, 34, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheng (6564937). Cheng '937 teaches a golf bag having a base including a one-piece element that extend around the second of the body and forms a support surface and defining a flexion line defining two pivotable portions.

6. Claims 2, 29-30, 38, 40-43, 46, and 47 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the Cheng and Te-pin rejections as set forth in paragraphs 2-5, and further in view of Kang (2004/0200746) or Nelson (3941398). It would have been obvious for one of ordinary skill in the art to make the lower base segment from ethylvinylacetate foam to provide the desired material for the base.

Nelson similarly teaches the bag can be constructed of a foamed material (see abstract). It would have been obvious to one of ordinary skill in the art to make the base from a foamed material to provide an alternative material for the base. It would have been obvious to one of ordinary skill in the art to make the foam of Nelson from ethylvinylacetate as claimed.

7. Claims 12-14, 31-32, 35-37, 44, and 45 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Cheng and Te-pin rejections as set forth in paragraphs 2-5, and further in view of Hamamori (6648137) or Wen-Chien (6298988). It would have been obvious for one of ordinary skill in the art to provide wear elements made from rubber as taught by Hamamori or Wen-Chien, an alternative supporting means and or to keep the bag secured.

It would have been obvious to one of ordinary skill in the art to make the feet of Wen-Chien from rubber as claimed since rubber is a well known material for providing contact between objects and the ground.

8. Claims 48-55 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the Cheng and Te-pin rejections as set forth in paragraph 7, and further in view of anyone of Chang (6634497) or Cheng (5941383). Either Cheng or Chang teaches that it is known in the art to provide feet elements having different configurations. It would have been obvious for one of

ordinary skill in the art to provide the feet with different configurations to provide the desired supports shape for the desired shaped base.

9. Claims 17-19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Cheng rejections, as set forth in paragraphs 4-9, and further in view of view of anyone of JP 198250 (JP'250), Nevard (3866646), and Yoshida (6736264). It would have been obvious for one of ordinary skill in the art to provide a handle to enable one to handle the golf bag easily as taught by JP'250, or Nevard (3866646), or Yoshida.

Regarding claim 19, note that the bag and the tubular portions together forms the body as claimed and the tube extending into the material element as claimed to support a shaft of the material element, i.e., the bag.

10. Claims 48-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang '497 or Cheng '383 in view of either Hamamori or Wen-Chien, and further in view of either Kang '746 or Nelson '398. Chang '497 or Cheng each teaches a bag bottom with feet with different configuration. They do not mention the bottom being made from foam material. Either Kang '746 or Nelson '398 teaches that it is known in the art to provide a bottom made from foam material. It would have been obvious to one of ordinary skill in the art to provide a bottom made from foam material to provide the desired material for the bottom.

Regarding claim 55, it would have been obvious to one of ordinary skill in the art to provide the wear element from rubber material to provide the desired material for the feet.

11. Applicant's arguments have been fully considered but they are not persuasive. Applicant amended the term "one-piece" to "single piece". As set forth previously, the term "one piece" is broad and does not exclude the bottom of Cheng '362, Te-Pin '527, and Cheng '937 formed

from a plurality of other parts. By changing the recitation to "single piece" this, too, does not does not exclude the bottom of Cheng '362, Te-Pin '527, and Cheng '937 formed from a plurality of other parts.

With respect to the declaration, applicant's declaration has been fully considered. It is noted that the evidence provided in the declaration was inadequate and inconsistent. The declaration asserts that the at least claims 1, 4-11, 15, 16, 20-28, 33, 34, and 36 supported by the declaration. However this is not true. As set forth previously, none of the evidence shows an indentation in the interior surface of the base (cl. 5), the reduced thickness (cl. 6, 7), shaft with handle (cl. 15-19), etc. Due to the overwhelming numbers of claims in this application, applicant is required to provide a table listing each limitation in each claim and where these limitations are supported in the Declaration.

12. This is a RCE of the same application. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai  
Primary Examiner  
Art Unit 3781

T. Mai